UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

BERG DRYWALL, LLC

Employer

and

Case 28-RC-6684

SOUTHWEST REGIONAL COUNCIL OF CARPENTERS Petitioner

DECISION ON REVIEW AND ORDER

The Intervenor International Union of Painters and Allied Trades, District Council #15, Local Union #86's Request for Review of the Regional Director's Decision and Direction of Election is granted as it raises substantial issues warranting review with respect to whether the drywall tapers and finishers constitute a separate appropriate craft unit and are entitled to a Globe self-determination election. Having carefully reviewed the record, we affirm the Regional Director's conclusion that the drywall tapers and finishers do not constitute a separate craft unit.² In doing so, we emphasize that the framers, hangers, finishers, and tapers are classified as and function as one drywall journeymen craft in the State of Arizona. All drywall journeymen who are in the Carpenters Union in Arizona are trained in the same apprenticeship program, with no separate, formal apprenticeship program for drywall taping and finishing work. All drywall journeymen, including tapers and framers, share a significant community of interest, including common supervision of all drywall journeymen under the superintendent and comparable wages, benefits, and working conditions. All drywall journeymen work the same hours at the same location and take breaks and lunch breaks at the same time. All drywall journeymen are cross-trained and there is evidence of cross-over work on an as-needed basis. Finally, the area practice in Arizona since 2001 and the bargaining history between the Petitioner and the Employer since 2008 support an overall unit. Based on the above, we find that the drywall tapers and finishers do not constitute a distinct and homogeneous group of skilled journeyman craftsmen. Burns & Roe Services Corp., 313 NLRB 1307, 1308 (1994).

¹ See Globe Machine & Stamping Co., 3 NLRB 294 (1937).

² In affirming the Regional Director's decision, we do not rely on his reasoning that "because the petitioned-for unit is an appropriate unit, my inquiry ends," or that "the Intervenor has not established that the tapers and finishers are such a 'distinct and homogeneous group' that I must find them to be a separate appropriate unit." (emphasis added).

Accordingly, we affirm the Regional Director's conclusion and remand the case to the Regional Director for further appropriate action.³

WILMA B. LIEBMAN, CHAIRMAN

MARK GASTON PEARCE, MEMBER

BRIAN E. HAYES, MEMBER

Dated, Washington, D.C., August 18, 2010.

³ The Intervenor's motion to stay the election is denied as moot.